

**Exhibit J**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GERARD WIENER, individually,  
and as Personal Representative  
of the Estate of Roland C. Wiener,  
Plaintiff,

vs.

Case No. 11-10770

Hon. George Caram Steeh

BANKERS TRUST COMPANY, ET AL.,  
Defendants.

---

AND RELATED CROSS-ACTIONS

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The Deposition of PATRICIA L. SCULLY,  
Taken at 280 West Maple Road, Suite 300,  
Birmingham, Michigan,  
Commencing at 8:36 a.m.,  
Thursday, November 29, 2012,  
Before Amy Tobias Lenga, CSR-4625.

1 APPEARANCES:

2

3 DAVID J. BROWN

4 David J. Brown

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7 415.716.7786

8 Appearing on behalf of the Plaintiff.

9

10 FRANK M. DeLUCA

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12 280 West Maple Road, Suite 300

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15 Appearing on behalf of the Defendants Bankers Trust

16 and GMAC.

17

18 JASON MILSTONE

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23 Appearing on behalf of Jeffrey Baskin and Lauren

24 Newman.

25 ALSO PRESENT: Christine Buen - via telephone

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Birmingham, Michigan

Thursday, November 29, 2012

8:36 a.m.

PATRICIA L. SCULLY,

was thereupon called as a witness herein, and after  
having first been duly sworn to testify to the truth,  
the whole truth and nothing but the truth, was  
examined and testified as follows:

EXAMINATION

BY MR. BROWN:

Q. Could you state your full name for the record, please?

A. Patricia Scully.

Q. Do you have a middle name?

A. Louise

Q. And have you ever used any other names?

A. No, I haven't. Well, Patricia Harvey when I was a  
little girl. So I've been married -- I've been  
Patricia Scully for 37 years, so.

Q. Okay. And for purposes of just things we might look  
at on the record do you have any nicknames that are  
used in business?

A. No.

Q. Are you represented by an attorney here today?

A. No, I'm not.

1 MR. DeLUCA: Well, I would let the record  
2 reflect that I'm here on behalf of General Motors  
3 Acceptance Corporation and Bankers Trust, and as a  
4 witness I am representing her in this deposition.

5 MR. BROWN: Okay.

6 BY MR. BROWN:

7 Q. Do you agree with that, Ms. Scully?

8 A. Yes.

9 Q. Have you ever had your deposition taken before?

10 A. Yes. On this case?

11 Q. No. Any case?

12 A. Yes.

13 Q. How many times would you say?

14 A. Once.

15 Q. And how long ago was that?

16 A. Two or three years.

17 Q. Was it in connection with business?

18 A. Yes.

19 Q. And how long did it last?

20 A. A day.

21 Q. And do you remember the name of the case involved?

22 A. No, I don't.

23 Q. Do you remember the name of -- you don't need to tell  
24 us, but do you remember the name of the customer of  
25 GMAC if, in fact, the customer from GMAC was involved?

1 A. No, I don't.

2 Q. Was a customer from GMAC involved?

3 A. Yes.

4 Q. As you may recall, you're under oath and you need to  
5 tell the truth, which I'm sure is what you intend to  
6 do, correct?

7 A. Yes.

8 Q. Okay. And what you need to give me is your best  
9 recollection in response to the questions I ask. If  
10 you have some recollection but it's not as complete as  
11 if it happened earlier this morning or something, give  
12 me the recollection you have and if you want to label  
13 it as vague or not complete or you think there's more  
14 but you don't remember, just tell me that so I have a  
15 sense of what your level of recollection is. On the  
16 other hand, I don't want you just guessing or  
17 speculating. I want what you, in fact, recall. Okay?

18 A. Yes.

19 Q. At some point in time you will have an opportunity to  
20 review the transcript which comes out as a booklet  
21 looking like a play script, your name, my name and  
22 whoever else speaks, and what this court reporter's  
23 recording as to what you say; and you'll have a chance  
24 to correct or change any mistakes you think you made.  
25 But at the same time I may later then have an

1 opportunity to ask you about your corrections and/or  
2 point them out to somebody during a court proceeding  
3 that here's what you originally said and here's what  
4 you did to correct. Do you understand that?

5 A. Yes.

6 Q. One of the things that we both have to do is be  
7 audible, and you're doing well in that regard so far.  
8 So I don't see it as a problem. But shaking your head  
9 or nodding or making more conversational kind of  
10 gestures with your arms or head or something doesn't  
11 get easily recorded by the court reporter. So  
12 speaking is a key to all this. Okay?

13 A. Yes.

14 Q. And I'll try and ask that you let me finish my  
15 questions before you answer them so you hear the full  
16 question, and I'll try and make sure you've completed  
17 your answer before I ask my next question. If for  
18 some reason I interrupt your answer because you, one,  
19 interrupted or, two, you paused so I thought you were  
20 done, just tell me and we'll let you get the complete  
21 answer to the question that's pending before we go to  
22 the next question. But I need your help in that if I  
23 don't know that you hadn't finished. Okay?

24 A. Yes.

25 Q. If you don't understand a question tell me and I'll



1 try to help clarify the question. Okay?

2 A. Yes.

3 Q. During the course of the deposition from time to time  
4 attorneys may make objections to a question, often as  
5 to the form of the question, occasionally for some  
6 other reason. But unless your attorney, for purposes  
7 of being a witness at the deposition, tells you not to  
8 answer or instructs you not to answer you have to go  
9 ahead and answer even after he's objected. Okay?

10 A. Yes.

11 Q. Are you under the influence of any substance, and that  
12 could range from prescription medication to drugs to  
13 alcohol, to whatever, that you believe would affect  
14 your ability to recall or testify today?

15 A. No.

16 Q. Okay. Let me ask you another routine question that I  
17 ask everybody, so please don't be offended. Have you  
18 ever been convicted of a felony?

19 A. No.

20 Q. Have you ever in your life seen or talked with Roland  
21 Wiener?

22 A. Yes.

23 Q. Not Gerard, Roland.

24 A. Oh, Roland's the father?

25 MR. DeLUCA: Yes.

1 BY MR. BROWN:

2 Q. Roland's the father.

3 A. No.

4 Q. And have you ever -- I know you talked with Gerard  
5 Wiener and corresponded with him by e-mail and  
6 otherwise in writing, have you ever actually met him  
7 face-to-face?

8 A. No.

9 Q. How about Walter Pookrum?

10 MR. DeLUCA: How about what?

11 BY MR. BROWN:

12 Q. Have you ever met or seen him?

13 A. No.

14 Q. You have corresponded with him, correct?

15 A. Yes.

16 Q. And you've talked with him on the telephone?

17 A. Yes.

18 Q. What, if anything, did you do to prepare for this  
19 deposition today?

20 A. I went over some notes and e-mails that were provided  
21 to me.

22 Q. Who provided them to you?

23 A. Our counsel from GMAC.

24 Q. Which counsel was that?

25 A. Christine Buen, B-u-e-n.

1 Q. Anything else?

2 A. No.

3 Q. And what were the nature of the notes you looked at  
4 that you just referred to?

5 A. E-mails that went back and forth from Pookrum and  
6 myself and Wiener and myself.

7 Q. Okay. In that regard, can you and I agree that if we  
8 refer to Wiener or Mr. Wiener we mean Gerard; and if  
9 for some reason we're referring to the father we'll  
10 use his full name, Roland Wiener, so we can tell the  
11 difference with having two Wiener names in the case;  
12 is that agreeable?

13 A. That's agreeable.

14 Q. And other than what you've told me did you do anything  
15 else in preparation for the deposition?

16 A. I prepped with Frank and Christine.

17 Q. When you prepped with Christine was there anyone else  
18 present in addition to Christine and yourself?

19 A. I don't recall.

20 Q. And when you prepped with Frank was there anyone in  
21 addition to yourself and Mr. DeLuca present?

22 A. By phone Christine was.

23 Q. Okay. When did you first learn that there was a  
24 lawsuit that Mr. Wiener had brought against GMAC and  
25 others with respect -- that has evolved in the lawsuit

1 that you're here for the deposition for?

2 A. I don't recall that date.

3 Q. Do you recall the general timeframe even if you don't  
4 recall the specific date?

5 A. 2011 sometime. I'm not sure.

6 Q. If it helps you at all the case was filed in mid 2010.  
7 Do you think you first heard about it shortly after it  
8 was filed or do you know if it was sometime well after  
9 it was filed?

10 A. I don't recall.

11 Q. If you could give me a very brief synopsis of what  
12 your education after high school has been?

13 A. I have a Michigan real estate license.

14 Q. Anything else?

15 A. No.

16 Q. Have you had any training or educational courses  
17 offered by your employers as part of your employment?

18 A. Yes.

19 Q. And what are the nature of those educational courses?

20 A. Through Allied Bank we have to take courses, money  
21 laundering, office etiquette. They're just courses  
22 that we take online that are mandatory learning  
23 assignments through Allied Bank.

24 Q. Any other kinds of courses you've taken --

25 A. No.

1 Q. -- in your employment? If you could give me a brief  
2 employment history starting with your first job after  
3 you were 18 and proceeding thereafter?

4 A. My first job was at Budd Wheel in Detroit. Then in  
5 1978 I worked for -- I got into the mortgage business  
6 for James T. Barnes. Then I drove a bus for East  
7 Detroit Public Schools. Went back into the mortgage  
8 business around 1985 for Community Central Savings  
9 Bank. From '85 to -- let's see. '85 to probably in  
10 the early nineties I worked for Community Central  
11 Savings Bank. Then I went to Mortgage Corporation of  
12 America. Mortgage Corporation of America to Financial  
13 Enterprises. I worked for Shore Bank. I was a  
14 bartender at the same time for Am Vet's Post 57 in  
15 Harper Woods, Michigan. Then in 1986 I was hired by  
16 GMAC.

17 Q. Does that complete your answer?

18 A. That would conclude my answer.

19 Q. Okay. I think you said '85 to early nineties Mortgage  
20 Corp. of America, is that correct?

21 A. That's correct.

22 Q. And then you went to Financial Enterprises?

23 A. Correct.

24 Q. How long were you there?

25 A. About a year. The company went defunct.

1 Q. Okay. And then Shore Bank, how long were you at Shore  
2 Bank?

3 A. I worked as a freelance collections inspector for two  
4 years for Shore Bank.

5 Q. And then from '86 you went to work for GMAC and remain  
6 employed in various capacities by them since then?

7 A. That's correct.

8 Q. And you're employed by them today, correct?

9 A. Correct.

10 Q. If you could give me a listing of your various jobs at  
11 GMAC over time, please.

12 A. Loss mitigation, community relations specialist is the  
13 only job I've had since I've been there in 1986.

14 Q. And sorry, can you tell me again, loss --

15 A. Loss mitigation and community relations specialist.

16 Q. And over the time from '86 to present has the nature  
17 of that job changed as time has passed?

18 A. It's remained pretty consistent since I became  
19 employed. More travel was involved than I ever  
20 thought, but the logistics of the job are the same.

21 Q. And what are the logistics of the job?

22 A. Working with borrowers to help mitigate any kind of  
23 loss, if they're having a financial hardship, working  
24 with nonprofits in the community and doing community  
25 outreach.

1 Q. What sort of work do you do with nonprofits?

2 A. Put on educational functions for borrowers, explain to  
3 them about their mortgage, work with a lot of  
4 nonprofits that borrowers go to see. They refer the  
5 client to me so I can be the liaison between the  
6 nonprofit and GMAC, loss mit.

7 Q. And for your loss mitigation activities directly with  
8 borrowers what is it you do?

9 A. Meet face-to-face, collect information, their  
10 financial information, their hardship information and  
11 submit it to GMAC loss mit.

12 Q. And when you submit it to GMAC loss mit, and loss mit  
13 means loss mitigation, correct?

14 A. Correct.

15 Q. When you submit it to GMAC loss mit who are you  
16 submitting it to and what are they to do with it?

17 A. We have a platform and we have several locations. We  
18 have a Dallas location, a Waterloo, Iowa location, and  
19 that goes through depending on who the investor is or  
20 the type of loan it is, it filters through to the Loss  
21 Mitigation Department that would handle that specific  
22 investor loan type, et cetera.

23 Q. And what does loss mit do with it after you've  
24 submitted whatever it is?

25 A. They evaluate the financials in accordance with the

1 guidelines.

2 Q. And what is their purpose -- for what purpose are they  
3 evaluating the financials?

4 A. To see if we can mitigate any loss and get the  
5 borrower back on track in some form.

6 Q. So work out a plan where the borrower can financially  
7 find a way to get back on track without failing in  
8 that and leaving the owner of the loan with a problem  
9 of what to do with it or whether to foreclose, is that  
10 correct?

11 A. Correct.

12 Q. And you say meet guidelines, whose guidelines are you  
13 trying to meet?

14 A. It depends on the loan type it is. If it's a  
15 government subsidized entity, if it's GMAC's own loan.  
16 There's several. We service loans for investors.

17 Q. Okay. When Roland Wiener's loan became being  
18 administered by Gerard Wiener after Roland had died,  
19 and the loss mitigation efforts in that regard, were  
20 you looking at any specific guidelines in that regard?

21 A. I don't --

22 MR. DeLUCA: Do you understand the question?

23 THE WITNESS: Not really.

24 BY MR. BROWN:

25 Q. Let me try this. Let me make it more direct. That



1 will help. With respect to the Wiener loan were the  
2 guidelines involved those of Freddie Mac because  
3 Freddie Mac was the owner of the loan?

4 A. We, as GMAC, on part of the Freddie Mac portfolio had  
5 delegated authority so we could make our own  
6 decisions.

7 MR. DeLUCA: But listen -- Pat, listen to  
8 the question. Do you understand the question that he  
9 was asking?

10 A. Can you repeat it?

11 BY MR. BROWN:

12 Q. Well, the question is that if in doing loss  
13 mitigation, you or the loss mitigation group with whom  
14 you worked, were looking at what had been submitted  
15 and what the guidelines were for doing some kind of  
16 loss mitigation plan, whose guidelines were you  
17 looking at with respect to the Wiener loan?

18 A. It would have been Freddie Mac.

19 Q. Am I correct that those guidelines periodically change  
20 from time to time?

21 A. I can't answer that question. I'm not sure of it.

22 Q. Okay. When did you first become involved in the  
23 Wiener loan?

24 A. If I recall correctly, August of 2010. Or maybe it  
25 was 2009. Yeah.

1 Q. 2009?

2 A. Yeah.

3 Q. Okay. And how did you become involved?

4 A. Received a phone call, but I don't recall if it was  
5 from Gerald or Pookrum.

6 Q. By Gerald do you mean Gerard?

7 A. Correct.

8 Q. Do you have any understanding as to how the phone call  
9 went to you, without regard to whether it was Gerard  
10 or Mr. Pookrum, as opposed to going to somebody else  
11 in loss mitigation?

12 A. Orlans, the attorney of record for GMAC that handles  
13 our foreclosures, gave my name and number to Gerard or  
14 Pookrum.

15 Q. Do you have any understanding as to why Orlans gave  
16 your name as opposed to somebody else's name?

17 A. Because I am the local presence for GMAC.

18 Q. At the time Orlans gave you that did they give you any  
19 background as to what had been going on with the  
20 Wiener loan and Mr. Pookrum and Mr. Wiener that  
21 appeared to have Mr. Wiener and Mr. Pookrum somewhat  
22 frustrated at trying to deal with GMAC?

23 A. No.

24 Q. Is it correct that at the time Orlans referred them to  
25 you that Orlans was somewhere in a foreclosure process

1 mode on the loan?

2 A. Correct.

3 Q. To your knowledge, and setting aside Orlans for the  
4 moment, who else, if anyone, had been involved in  
5 trying to deal with the Wiener loan prior to you?

6 A. To my knowledge of today?

7 Q. To your knowledge today, yeah.

8 MR. DeLUCA: Do you understand the question,  
9 Patty?

10 A. I would have never known anybody was involved until I  
11 would have started looking at this, you know, knowing  
12 the facts of the case.

13 BY MR. BROWN:

14 Q. Let me rephrase the question.

15 A. Okay.

16 Q. With the knowledge you have today who prior to you,  
17 and setting aside Orlans for the moment, had been  
18 dealing with Mr. Wiener and Mr. Pookrum with respect  
19 to the Wiener loan?

20 A. I don't know of any individuals by name that were  
21 dealing with them.

22 Q. Do you know of any of GMAC's units or groups,  
23 divisions, or whatever they choose to call them, who  
24 were dealing with them, obviously when you became  
25 involved and loss mitigation became involved, any

1 other groups that might have been involved?

2 A. With the knowledge that I know of today it's my  
3 understanding he was in contact with the Assumption  
4 Department.

5 Q. What's your understanding back in the 2009 timeframe  
6 did the Assumptions Department do when it was dealing  
7 with customers?

8 MR. DeLUCA: If you know, Patty.

9 A. Yeah, I don't have any knowledge of that.

10 BY MR. BROWN:

11 Q. Well, do you have any general knowledge as to what,  
12 how the Assumption Department differs from the Loss  
13 Mitigation Department?

14 A. You want me to explain to you what the difference is  
15 with an assumption as to loss mit?

16 Q. Well, in terms of how GMAC then chose to do business  
17 they had apparently an Assumption Department and a  
18 Loss Mitigation Department. You've given me a brief  
19 description of what loss mitigation did and does.  
20 What did assumption do or now do?

21 MR. DeLUCA: You mean as to this part --

22 MR. BROWN: As a group.

23 A. Of the Assumption Department?

24 BY MR. BROWN:

25 Q. Yes.

1 A. People that want to assume a loan have to send in  
2 particular documentation. The requirements that are  
3 needed to assume a particular loan, and the Assumption  
4 Department guides them along with that.

5 Q. In that general timeframe of 2009 did GMAC have a  
6 department that was called collections or some word  
7 that would be a substitute for the word Collections  
8 Department where they were just trying to collect as  
9 to a loan?

10 MR. DeLUCA: I am going to object to the  
11 form of the question. It lacks foundation. Go ahead.  
12 If you understand you can answer.

13 A. As a bank or as a mortgage company we have a  
14 Collections Department.

15 BY MR. BROWN:

16 Q. Would it have dealt with customers on delinquent loans  
17 to your knowledge?

18 A. Yes.

19 Q. Do you know if the Wiener loan had been dealt with at  
20 all by the GMAC Collections Department?

21 A. No, I don't.

22 Q. Did GMAC have a Foreclosure Department?

23 A. Yes.

24 Q. And to your knowledge, did the Wiener loan get handled  
25 at all by the Foreclosure Department?

1 A. Yes.

2 Q. What's your understanding of what the handling of the  
3 Wiener loan by the Foreclosure Department was?

4 MR. DeLUCA: Objection. Lack of foundation.  
5 Go ahead and answer if you can.

6 A. It was sent to attorney Orlans' office to commence  
7 with foreclosure proceedings.

8 BY MR. BROWN:

9 Q. And was it, to your understanding, the Foreclosure  
10 Department that would decide when and under what  
11 circumstances it would pass a loan to the Orlans Law  
12 Firm for foreclosure?

13 MR. DeLUCA: Objection. Lack of foundation.

14 A. I can't answer that question.

15 BY MR. BROWN:

16 Q. Why can't you answer that question?

17 A. I don't know the procedures that go on with the  
18 Foreclosure Department before they make a decision to  
19 send it to the attorney.

20 MR. BROWN: Okay. Why don't we take a very  
21 brief break just so I can get a document out.

22 (Off the record at 9:07 a.m.)

23 (Back on the record at 9:12 a.m.)

24 MARKED BY THE REPORTER:

25 DEPOSITION EXHIBIT 1

1 9:12 a.m.

2 MR. BROWN: Let's go back on. We have  
3 started with now Exhibit 1 to the Scully deposition.  
4 Let me describe briefly what it is. It's a document  
5 or a group of pages produced by GMAC in this case with  
6 Bates numbers 0545 through 0600. It is one of the few  
7 documents that I have multiple copies of so I can  
8 actually give you one.

9 MR. DeLUCA: Oh, okay.

10 BY MR. BROWN:

11 Q. It has the -- we'll all take our time because it has  
12 the disadvantage that it's not exactly what you call  
13 in bold print. It's in rather small print. It is  
14 what it is. Here's the original exhibit, Ms. Scully,  
15 if you want to look at this.

16 A. You know, I have to get my other glasses. I have to  
17 bring them out.

18 Q. Ms. Scully, do you now have Exhibit 1 before you?

19 A. Yes.

20 Q. If you could just sort of briefly glance through and  
21 tell me if you believe you've seen this before or not?

22 A. I've never seen this before.

23 Q. Okay. If you notice on the first page, and, in fact,  
24 I think it's on every page. At the top it says  
25 display/history. Do you know what a display/history

1 is?

2 A. Yes.

3 Q. What is it?

4 A. It's a history of transactions on the loan from the  
5 inception of the loan to the present.

6 Q. And how is the history collected, if you know, in  
7 general terms?

8 MR. DeLUCA: I am going to place an  
9 objection on the record. At this point this witness  
10 is a fact witness, is not called to testify as to  
11 policies and procedures of GMAC, and to the extent it  
12 goes beyond her knowledge I think that there's a lack  
13 of foundation. And I think that this witness is not  
14 capable of testifying as to those specifics. You can  
15 answer.

16 BY MR. BROWN:

17 Q. Do you have any knowledge as to how the information is  
18 collected that ends up being, in this instance, placed  
19 on a display/history if someone chooses to print it  
20 up?

21 A. Well, it's not my department. No.

22 Q. Do you ever make entries, to your knowledge, that  
23 would end up on a display/history if one were drawn up  
24 after you made entries?

25 MR. DeLUCA: Objection. Lack of foundation.



1 Do you understand the question?

2 A. Can you repeat it again?

3 MR. BROWN: Would you read it back.

4 (The requested portion of the record was  
5 read by the reporter at 9:16 a.m..

6 "Question: Do you ever make entries, to  
7 your knowledge, that would end up on a  
8 display/history if one were drawn up after  
9 you made entries?")

10 A. Yes.

11 BY MR. BROWN:

12 Q. What kinds of entries in your loss mitigation work  
13 would you do that would end up on the display/history  
14 in the usual course of business?

15 A. It would be my conversation with the borrower that I  
16 would enter to reflect.

17 Q. That would be a brief synopsis of your conversation  
18 with the borrower?

19 A. Correct.

20 Q. And do you do that with all conversations with all  
21 borrowers or just certain conversations?

22 A. Try to do it with most. It just depends.

23 Q. What does it depend on?

24 A. If I record -- if I put it on or not.

25 Q. Okay. And do you have any criteria you use in

1 deciding whether to put it on or not?

2 A. No.

3 Q. If you look at the part that's in reverse type where  
4 it's black background and white type at the top, do  
5 you see that? It reads like transaction, add a date  
6 or trans add a date, trans type, et cetera. Do you  
7 see that?

8 A. Yes.

9 Q. Under trans type when you make entries what trans type  
10 would appear there?

11 A. It just depends on how I enter it. If it's an -- most  
12 of mine would be NT's, notes.

13 Q. That stands for note?

14 A. Correct.

15 Q. Are some of these entries made mechanically from a  
16 computer program that exists in GMAC's computer  
17 system, do you know?

18 A. I can't answer that. I don't know.

19 Q. If I could direct your attention to page 0566. It's  
20 close to halfway through. Do you have that page  
21 before you?

22 A. I do.

23 Q. If you look at the set of entries for 4/14/2009, that  
24 would be the date of the activity, correct?

25 A. Correct.

1 Q. And the NT would be -- transaction type would be a  
2 note, correct?

3 A. Correct.

4 Q. And under the area ID that originated the message,  
5 here it's ASM. Is that the Assumption Department?

6 A. Yes.

7 Q. If you look over to the transaction it appears to be  
8 somebody's synopsis of an interaction with Gerard  
9 Wiener, correct?

10 A. Correct.

11 Q. When these kinds of notes were made -- let me narrow  
12 the question. When you make notes similar to what we  
13 see here where it's an NT and then you put in some  
14 interaction with borrower, do you make that entry  
15 usually at or near the time that the conversation  
16 occurred?

17 A. Yes.

18 Q. And you are attempting to make it as accurate as you  
19 can, correct?

20 A. Yes.

21 Q. If you look on the line that's -- if you go down two  
22 rows below where the last ASM is you'll see the note  
23 about interacting with Mr. Wiener. It goes on and  
24 says "advised B1 is deceased." Do you see that?

25 A. Yes.

1 Q. In the normal course of things at GMAC would B1 be the  
2 borrower one, prime borrower?

3 A. Yes.

4 Q. If you look at the next to last row under NT, in that  
5 row of NT entries, it says, "For further  
6 assist.justlink." Do you know what that means?

7 A. No.

8 Q. If you look at the fourth row from the bottom the  
9 transaction type is a D28. Any idea what a D28 is?

10 A. No.

11 Q. And you'll see that the transaction is a forced  
12 billing statement from report R628. Do you know what  
13 a forced billing statement is?

14 A. No.

15 Q. Do you have any idea -- strike that. Do you know what  
16 a transaction -- if you turn to the next page, which  
17 is 567, do you know what a DMD is for transaction  
18 type?

19 A. No.

20 Q. If you'll see for the third one down on page 567  
21 there's in all caps "left MSG," presumably meaning  
22 left message. Do you know if that's someone from GMAC  
23 calling the borrower or his representative or is that  
24 the borrower representative calling GMAC?

25 MR. DeLUCA: Are you finished?

1 MR. BROWN: Yes.

2 MR. DeLUCA: Again, I am going to object.

3 This witness is not here to testify about this  
4 particular computer entry or documentation of notes  
5 that she did not make. I don't think there's any  
6 foundation laid that she can testify as to what these  
7 various acronyms mean, these various different notes  
8 mean that she did not make into the system. So to the  
9 extent that she doesn't have that knowledge I think  
10 there's no foundation here for her to answer these  
11 questions.

12 MR. BROWN: Well, asking her if she knows  
13 what it means is asking her if she has that knowledge.  
14 She says she doesn't know, she doesn't know. In the  
15 past in asking about this document I've moved on. So  
16 I'm not quite sure why you're making an objection.

17 MR. DeLUCA: Well, again, to the extent that  
18 you continue to ask these questions I am going to have  
19 a continuing objection on the record that there's a  
20 lack of foundation.

21 BY MR. BROWN:

22 Q. On the entry that I was just discussing, the third one  
23 down on 567, do you know what left message means in  
24 terms of who left the --

25 A. No.

1 Q. -- message to whom?

2 A. No.

3 Q. If you turn to page 570, do you have that in front of  
4 you?

5 A. Yes.

6 Q. If you look at the first entry where the transaction  
7 type is NT for 6/24/09. Do you see that?

8 A. Yes.

9 Q. And there the area ID that originated the message is  
10 HMPS. Do you know what HMPS is?

11 A. No.

12 Q. You'll see that several places in this page,  
13 essentially all but one of the transaction types on  
14 the next page, are FOR. Is that having to do with  
15 foreclosure, to your knowledge?

16 A. I can't answer that question.

17 Q. And why can't you answer that question?

18 A. I'm not sure.

19 Q. All right. If you go to page 573, please. At the  
20 bottom of the page there are a number of entries for  
21 7/27/2009, transaction type DM. Do you know what DM  
22 is?

23 A. No, I don't.

24 Q. If you'd read the entries that's associated with those  
25 rows where the transaction type is DM, looking at it

1 do you know if that's an entry you made?

2 A. I did not make those entries because it's not my  
3 teller number.

4 Q. Am I correct that you don't know whose teller number  
5 it is?

6 A. Correct.

7 Q. And would a teller number be a number that identifies  
8 specific individuals within the bank?

9 A. Yes.

10 Q. On the next page, which is 574, if you go down to  
11 where there's a series of NT transaction types notes,  
12 on 7/27/09 there are a number that were made by LMT.  
13 Do you know who LMT is?

14 A. No.

15 Q. Has your teller number remained the same since you've  
16 been at GMAC?

17 A. Yes.

18 Q. And what is it?

19 A. 20798.

20 Q. 20798, correct?

21 A. Correct.

22 Q. And so for any entry made that would show up in a  
23 display/history that you made it should have your  
24 teller number, which is the number you just gave me,  
25 correct?

1 A. Correct.

2 Q. If you'd turn to page 578. About halfway down there  
3 begins a series of entries, all of which are on  
4 8/25/2009, with the area that originated the message  
5 is LMT and the teller number is 20798. Do you see  
6 that?

7 A. Correct. Yep.

8 Q. And that's you, correct?

9 A. Yes.

10 Q. And LMT is loss mitigation?

11 A. I'm not sure. I don't know what that code -- I don't  
12 see that code.

13 Q. Do you have any idea as to how that code got placed  
14 and linked to your teller number?

15 A. No.

16 Q. Looking at the entries for those notes do you recall  
17 making them?

18 A. Yes.

19 Q. If you look at the fourth entry up from the bottom in  
20 the transaction there's a word account and then "P.  
21 Scully/HOPE." P. Scully is you, correct?

22 A. Correct.

23 Q. What's HOPE?

24 A. That's the department I work in, HOPE. Homeownership  
25 Preservation Enterprise, all caps.



1 Q. And the notes says, "Help the borrower find a way to  
2 retain ownership of their home in some kind of workout  
3 scenario"?

4 A. Yes.

5 Q. If you look at entries on page 0579 you'll see about  
6 the sixth one down there's a entry with your teller  
7 number, correct?

8 A. Yes.

9 Q. I see that there the ID that originated the message is  
10 HARR. Do you have any idea what that is?

11 A. That's a code that I entered.

12 Q. What's that code mean?

13 A. It was referred to me by an attorney.

14 Q. Who was that?

15 A. Orlans.

16 Q. Do you recall who at Orlans?

17 A. No.

18 Q. Without telling me specifically what the communication  
19 was between you and Orlans, do you know how you came  
20 to be discussing anything with Orlans with respect to  
21 the Wiener loan such that the attorney told you that  
22 code to use?

23 A. No. This code is the code that I put in so we know --  
24 how do I. We have a code -- a code that gets entered  
25 so we know where it came from. It either came from a

1 nonprofit, an attorney's office, some -- you know, we  
2 have a couple of codes that we enter ourself (sic).

3 MR. DeLUCA: Does this mean a referral?

4 THE WITNESS: Yeah. Like HCRP would mean  
5 it came from a nonprofit.

6 BY MR. BROWN:

7 Q. So HARR means it came from an attorney's office?

8 A. Yes.

9 Q. And if you look at the entry under transaction you say  
10 referral from Orlans, correct?

11 A. Yes.

12 Q. And what did you record the referral from Orlans on --  
13 what did you have to do to get it into the system or  
14 to put it into the system, if you know?

15 A. Enter the code, type my message, hit enter updates  
16 the system.

17 Q. Okay. And then later on if you wanted to refer back  
18 as to what had happened with the loan you could pull  
19 this, what's now a hard copy display you can pull up  
20 on your computer screen and look at it, correct?

21 A. Enter my teller number and see all -- everything that  
22 I did on this loan.

23 Q. Could you see everything anybody did?

24 A. If I know their teller number.

25 Q. But you have to have a teller number to see more than

1 your own entries?

2 A. No. You can look at the history. You can go back and  
3 look at the history. You can scroll forward or scroll  
4 backwards.

5 Q. So that if you chose to look at the entry you made  
6 that we've just been discussing and you wanted to look  
7 back to see what had happened the week before you  
8 could physically do that on the computer?

9 A. Correct.

10 Q. Okay. Looking at the bottom of this page you'll see  
11 towards the bottom there's some more entries you made.  
12 You see where the teller is 20798?

13 A. Correct.

14 Q. And on the first line you entered it says "send CI to  
15 Detroit HOPE office, is going to meet." Correct?

16 A. Correct.

17 Q. What's the CI mean?

18 A. Called in.

19 Q. A couple lines down, I assume where it says poo mini  
20 you meant pool money, correct, and that's just a typo?

21 A. Yes.

22 Q. Then the next line it says "and PIF." Who or what is  
23 PIF?

24 A. Pay in full.

25 Q. A couple lines down you say -- well, one line you say,

1 "disclosure submitted with either requests for loan  
2 MOD." That's modification, correct?

3 A. Correct.

4 Q. Or SPO. What's SPO?

5 A. Short payoff.

6 Q. And what's a short payoff?

7 A. When it's agreed upon that the bank will accept less  
8 than what's due on the loan.

9 Q. You then say "B1 understood." B1's referring to whom?

10 A. Must have been Gerard.

11 Q. And would he become B1 since he was the estate  
12 representative?

13 A. No. That's an error. I shouldn't have referred to  
14 him as B1.

15 Q. What would you call him?

16 A. A3P, authorized third party.

17 Q. And it's your conclusion that he understood what you  
18 were telling him, correct?

19 A. Correct.

20 Q. That's what B1 understood?

21 A. Correct.

22 Q. So certainly at that point one of the options when you  
23 made this entry, one of the options Mr. Wiener  
24 considered was paying the loan off, correct?

25 A. Again?

1 Q. Let me say it again. At or around the time you made  
2 this entry in late August of 2009 Mr. Wiener told you  
3 that one of the options he and his family were  
4 considering would be just to do a payoff of the loan,  
5 correct?

6 A. That's correct.

7 Q. Do you recall what other options he was considering?

8 A. No, I don't.

9 Q. Do you recall if he was considering other options?

10 A. No, I don't.

11 Q. If you look at the last entry on the page just tell me  
12 if you have any understanding as to how that entry was  
13 made?

14 A. I'm sorry, what entry are you talking about?

15 Q. The last one, the one where the transaction type is OL  
16 and there's no teller number.

17 A. I don't know.

18 Q. Okay. Turn to page 581. Then about the next ten plus  
19 entries are made by you, correct?

20 A. Correct.

21 Q. I know that and you know that because of your teller  
22 number being there?

23 A. Correct.

24 Q. It starts with, "Please send a family transfer package  
25 to." Is that -- what did you intend by that? Are you

1 telling somebody to send a package or is that Mr.

2 Wiener telling you -- asking you to send a package?

3 A. I am typing a message there.

4 Q. Were you directing somebody to send something I guess  
5 is my question?

6 A. Yes.

7 Q. Who were you directing?

8 A. It should have been the Assumption Department.

9 Q. What you were intending is to get them to send the  
10 collection of papers they would want for Gerard and  
11 his sisters to assume the loan, correct?

12 A. Correct.

13 Q. And you, in fact, then provided an address, correct?

14 A. Correct.

15 Q. If you look at the next to last row where you were  
16 making your entries on September 15th, "rep requests  
17 sent via e-mail to R. Modade," is that correct?

18 A. Correct.

19 Q. And R. Wirz. Are those people?

20 A. Yes.

21 Q. And are they people that you understood to be in the  
22 Assumption Department?

23 A. Yes.

24 Q. Do you know if they ever did send an assumption group  
25 of papers to Mr. Wiener?

1 A. Yes.

2 Q. And how do you know that?

3 A. Through my knowledge of this loan.

4 Q. Okay. Do you have any more specific recollection as  
5 to how you know that particular piece of information?

6 A. No.

7 Q. Okay. The next entry for you appears to be on  
8 10/8/2009 starting at the bottom of page 581 and going  
9 on for a fair amount, to 582. Do you see that?

10 A. Yes.

11 Q. And those your entries, again, because of your teller  
12 number, correct?

13 A. Yes.

14 Q. Starting back at the beginning of that entry it says,  
15 "Upon receipt of the first installment on the  
16 forbearance I can cancel the FCC." That means  
17 foreclosure sale?

18 A. Correct.

19 Q. How would you go about canceling a foreclosure sale?  
20 What would you do?

21 A. Contacting Orlans' office.

22 Q. And the Orlans' office would take your direction in  
23 that regard?

24 A. Yes.

25 Q. Did you have to contact anyone at Freddie Mac in that

1 regard?

2 A. No.

3 Q. So you had the authority on behalf of the owner of the  
4 loan at that point, to your understanding, to cancel  
5 the foreclosure?

6 A. Yes.

7 Q. How did you know you had that authority?

8 A. We had delegated authority at that time.

9 Q. And you'd done it times before?

10 A. Yes.

11 Q. And nobody had ever complained about you doing it,  
12 correct?

13 A. Yes.

14 Q. And in what written document, if any, to your  
15 knowledge, was that delegated authority written?

16 A. I have no knowledge of that.

17 Q. How do you know you had delegated authority?

18 A. Through supervision, talks with management.

19 Q. And this would be supervision by -- from people at  
20 GMAC?

21 A. Correct.

22 Q. And talks with management from people at GMAC?

23 A. Correct.

24 Q. And in that regard with respect to your delegated  
25 authority to, if you wanted to or felt it appropriate,



1 cancel a foreclosure, do you recall who in management  
2 authority told you that?

3 A. My immediate supervisor at the time.

4 Q. And who was that?

5 A. Gary Neauman.

6 Q. Can you spell his last name?

7 A. N-e-a-u-m-a-n.

8 Q. Do you know where Mr. Neauman is these days?

9 A. He's working with another company.

10 Q. Which one?

11 A. Fannie Mae.

12 Q. Do you know where geographically?

13 A. In Dallas, Texas.

14 Q. Do you know in what department or function?

15 A. No.

16 Q. Was his background in loss mitigation?

17 A. I can't answer that question.

18 Q. You don't know?

19 A. I don't know. No.

20 Q. Have you stayed in contact at all with Mr. Neauman?

21 A. Occasionally.

22 Q. Continuing on with looking at this entry. You seem to  
23 be saying that if you received the first installment  
24 on the proposed forbearance you can cancel the  
25 foreclosure sale, then the estate will have time to

1 decide how they wish to proceed. Do you see that?

2 A. Yes.

3 Q. And what is your understanding as to what options the  
4 estate was considering in trying to decide how it  
5 would wish to proceed? In other words, they wanted  
6 more time, you were going to give more time if they  
7 did certain things. What did they want more time to  
8 do? What were the alternatives, if you know, they  
9 were considering?

10 A. I don't know what they were considering.

11 Q. You don't recall whether Mr. Wiener ever told you what  
12 options they were considering?

13 A. No.

14 Q. He may have, is that correct?

15 MR. DeLUCA: The witness testified she  
16 doesn't recall.

17 A. Yeah, I don't recall.

18 MR. BROWN: Well, she may feel positive he  
19 never told her. I'm trying to find out whether she  
20 doesn't recall or whether --

21 MR. DeLUCA: I think she answered the  
22 question.

23 BY MR. BROWN:

24 Q. And later in these entries, which are now on 582, you  
25 describe your six month proposal, correct?

1 A. Correct.

2 Q. A ways down in your entry you refer to Mr. Wiener's  
3 health issue. That was his stroke, correct?

4 MR. DeLUCA: I'll object. Lack of  
5 foundation.

6 BY MR. BROWN:

7 Q. It says, "I have sent a family transfer back to  
8 Gerard, but with his health issue we've been unable to  
9 get anything done." Do you see where you wrote that?

10 A. On page 582?

11 Q. Yes. It's probably about 12 or so entries down from  
12 the top.

13 A. Oh, I see. All right. Your question to me again,  
14 please?

15 Q. You refer to a health issue. I'm asking if you knew  
16 what the health issue was?

17 A. I don't recall.

18 Q. Do you recall that he had a stroke?

19 A. I can't remember what Pookrum told me.

20 Q. Do you have a recollection that it was, whatever it  
21 was it was a relatively serious health issue?

22 A. Yes.

23 Q. After what we've just been reading it goes on, and  
24 you'll see towards the bottom of your entry starting  
25 with, I guess, the fourth line from the end of your

1 entry. It starts, and I can't quite tell whether it's  
2 TT or --

3 A. Talked to.

4 Q. Talked to?

5 A. Authorized third party, attorney Pookrum.

6 Q. Pookrum. "Advised him I need some sort of loss mit in  
7 place to adjourn this sale any longer. He understood  
8 and will get back to me." Correct?

9 A. Correct.

10 Q. Why did you need some sort of loss mit in place to  
11 adjourn the foreclosure?

12 A. Because of the delinquency of this loan was going on  
13 and on.

14 Q. Was the decision yours or was there some guideline  
15 that mandated you'd have to go forward with the  
16 foreclosure if you didn't get a loss mitigation plan  
17 in place?

18 A. In being a prudent employee of GMAC I knew I had to  
19 have some kind of plan in place.

20 Q. Okay. What I'm asking is, without questioning whether  
21 it was a good decision, a bad decision or whatever  
22 kind of decision it was, was it your decision or was  
23 there something in guidelines or some other mandate  
24 that required you to do that without regard to what  
25 the decision was?

1 A. It was my decision. At that time there could be  
2 guidelines in place. I have to answer to the GMAC  
3 platform. I had to get loss mit in place.

4 Q. Okay. When you say you had to answer to the GMAC  
5 platform, what are you referring to when you say GMAC  
6 platform?

7 A. The Loss Mit Department.

8 Q. Okay. So you had to be prepared to explain why you  
9 made whatever decision you made, correct?

10 A. Yes.

11 Q. And the group to whom you had to make that explanation  
12 was your management above you in the Loss Mit  
13 Department --

14 A. Yes.

15 Q. -- correct?

16 MR. DeLUCA: Let him finish the question.

17 BY MR. BROWN:

18 Q. If you look at the entry we've just been looking at  
19 you'll see in about the fifth line up from the bottom  
20 it says "FC sale is set for 10/20/2009." Do you see  
21 that?

22 A. Yes.

23 Q. And that foreclosure sale set on that date was set  
24 aside, correct?

25 A. I don't remember if we had set it aside or I adjourned

1 it.

2 Q. It didn't happen?

3 A. Right.

4 Q. The foreclosure didn't happen?

5 A. It didn't happen that day.

6 Q. And it didn't happen that day to your understanding at  
7 your direction, correct?

8 A. Yes.

9 Q. Okay. But at the time you did not have a signed  
10 forbearance agreement, correct?

11 A. Yes.

12 Q. And you hadn't received a payment, correct?

13 A. Yes.

14 Q. Why did you adjourn, set aside, postpone, or whatever  
15 you did, to cause foreclosure not to happen on October  
16 20th, 2009? Why did you make a decision to have it  
17 not happen even though no payment had come in and no  
18 signed agreement had come in?

19 A. To allow time for that first payment to come in I gave  
20 him the payment date of 11/1.

21 Q. Okay. If you'd turn to page 583 you'll see towards  
22 the bottom, starting at the third line from the bottom  
23 if you look in the transaction column. Something that  
24 says, "Patty, this is a Freddie Mac loan. We need  
25 approval from them for this 10/14/09." Do you recall

1 receiving that message from somebody?

2 A. No.

3 Q. Do you have any belief that the Patty being referred  
4 to there is somebody other than you?

5 A. I believe it's me.

6 Q. Do you have any understanding what the "this" is in  
7 the sentence "We need approval from them for this"?

8 A. This would be the loan, the Wiener loan.

9 Q. It would be the postponement of the foreclosure,  
10 correct?

11 A. Yes.

12 Q. And do you know, it's not clear to me here because  
13 there's no teller numbers even, who sent you that  
14 message?

15 A. The attorney's office.

16 Q. Is it the Orlans?

17 A. Orlans.

18 Q. If you look at the next page, and recognizing you may  
19 not know because of the way entries are made in this  
20 system, was it Lindsey Fendrich that sent you the  
21 message?

22 A. Yes.

23 Q. Does that refresh your recollection as to who it was?

24 A. Yes.

25 Q. Who is Lindsey Fendrich, F-e-n-d-r-i-c-h?

1 A. She's an employee at that time of Orlans.

2 Q. Do you know what her capacity at Orlans was, what she  
3 did?

4 A. No.

5 Q. Going further down in that entry there's something  
6 that appears to be an explanation to allow more time  
7 for loss mit options I approve all adjournment fees  
8 and costs. Please confirm. Is that something you  
9 said or something Orlans was saying you said or  
10 something that Orlans was saying?

11 MR. DeLUCA: Can you tell?

12 A. I'm trying to read this. I would put something like  
13 this sometimes, but they would do the same. That  
14 would have been my entry, "To allow more time for loss  
15 mit options I approve all adjournment fees and costs.  
16 Please confirm."

17 BY MR. BROWN:

18 Q. So it's your understanding you had the authority to  
19 approve that Orlans got paid for what it did even  
20 though it didn't lead to completion of the  
21 foreclosure, correct?

22 A. Yes.

23 MR. BROWN: Can we take about a five or  
24 seven minute break.

25 MR. DeLUCA: Sure.



1 (Off the record at 10:02 a.m.)

2 (Back on the record at 10:11 a.m.)

3 BY MR. BROWN:

4 Q. If you turn to page 588. If you look towards the  
5 lower half there's a bunch of transaction types that  
6 are FOO, FOR. And if you look over starting at the  
7 second one of those it says, "FNMA/FHLMC sale  
8 suspended to allow time for loss mit." It appears to  
9 be referring to a sale at or near November 25th, 2009.  
10 Do you see the entry?

11 A. Yes.

12 Q. And you were still handling this matter for loss mit  
13 in late November of 2009, correct, the Wiener matter?

14 A. Yes.

15 Q. And when, if ever, say inside the lawsuit now, but  
16 when if ever did your involvement with the Wiener loan  
17 end?

18 A. The day it went to sale.

19 Q. So January 5th, 2010 or thereabouts?

20 A. Yes.

21 Q. I will represent it sold on January 5th, 2010.

22 A. I'm sorry?

23 Q. I'll represent that it sold on January 5th, 2010,  
24 because that's the date on the sheriff's deed.

25 A. Yes.

1 Q. Okay. If you look on page 589 you'll see entries at  
2 the bottom, 12/14/2009, where the area is INQ75.

3 MR. DeLUCA: What's the date?

4 MR. BROWN: December 14th, 2009 at the  
5 bottom. 589 is the page. I'm looking at the last six  
6 entries on the page.

7 BY MR. BROWN:

8 Q. Do you see those?

9 A. Yes.

10 Q. Do you know who INQ75 is, was or might have been?

11 A. No.

12 Q. Okay. If you look at the entry that says, "Gerard A.  
13 Wiener called in. Would like to receive copy of MTG."  
14 Is that mortgage note?

15 A. Yes.

16 Q. Was it you he called or do you know?

17 A. No.

18 Q. No meaning it wasn't you?

19 A. It was not me.

20 MR. DeLUCA: Let the record reflect that  
21 that's not her teller number next to the entry.

22 MR. BROWN: I understand that.

23 BY MR. BROWN:

24 Q. If you look on page 591 at about the middle, maybe a  
25 little bit below the middle of the entries on that

1 page you'll see that in the transaction area there's a  
2 reference to a person Helen Houser McDermott. Do you  
3 see that?

4 A. Yes.

5 Q. Do you know who Helen Houser McDermott is?

6 A. No.

7 Q. Following her name there's a note that, Until after  
8 1/3/10 due to the moratorium declared by Fannie and  
9 Freddie." Do you know what moratorium is being  
10 referenced there?

11 A. The moratorium would be between Christmas and New  
12 Year's no sales would be held, to the best of my  
13 knowledge.

14 Q. So your memory is that they were having a moratorium  
15 so they weren't foreclosing right around Christmas?

16 A. Yes.

17 Q. If you look at page 597, and tell me when you're  
18 there.

19 A. I have reached. I'm here.

20 Q. Towards the bottom you'll see there are a bunch of  
21 entries by somebody with teller number 2, I think it's  
22 6519. It might be 285. I think it's 26519. Do you  
23 know who that is?

24 A. No.

25 Q. Do you know somebody named Gordon Clinkscales,

1 C-l-i-n-k-s-c-a-l-e-s?

2 A. Yes.

3 Q. Who is Gordon Clinkscales?

4 A. He was my manager at one time.

5 Q. Do you recall the timeframe he was your manager?

6 A. Let me think. During 2011. I can't give specific  
7 months.

8 Q. Do you have any recollection that he was involved in  
9 loss mitigation any time in 2010?

10 A. No.

11 Q. You don't know one way or the other?

12 A. He was a team -- he was on the -- on the HOPE team  
13 with me.

14 Q. In 2010?

15 A. Yes.

16 Q. Was he doing similar kinds of things as to what you  
17 were doing?

18 A. Yes.

19 Q. When was the last time you communicated with Mr.  
20 Pookrum, to your recollection?

21 A. I don't recall.

22 Q. Do you have any recollection even as to month or year?

23 A. 2009.

24 Q. How about when was the last time you ever communicated  
25 with Gerard Wiener?

1 A. 2009.

2 MR. BROWN: Counsel, I'm through with  
3 Exhibit 1.

4 MR. DeLUCA: Okay.

5 BY MR. BROWN:

6 Q. Ms. Scully, what I am going to do is give you a blank  
7 piece of paper that has lines on it. What I would  
8 like to do would be to try in a very big picture, if  
9 you will, basic terms, sketch out where loss  
10 mitigation fit within the GMAC hierarchy in the latter  
11 half of 2009 and the first part of 2010. So if you  
12 were drawing some sort of a chart that would have a  
13 circle for loss mitigation, kind of what was under it  
14 and what was above it.

15 MR. DeLUCA: I am going to object to that.  
16 I mean this witness is a fact witness. She's not a  
17 corporate witness. There's no foundation that she has  
18 the remote ability to answer that question, let alone  
19 sketch out a chart for you. So I'm going to object to  
20 that. I'm not going to let her do it without proper  
21 foundation being laid.

22 BY MR. BROWN:

23 Q. Ms. Scully, in 2009 and -- well, for 2009 and 2010 do  
24 you have any understanding of who the Loss Mitigation  
25 Department reported to?

1 A. No.

2 Q. Do you have any understanding of what units, if any,  
3 reported to loss mitigation?

4 A. No.

5 Q. Do you know if any units at all reported to loss  
6 mitigation?

7 A. No.

8 Q. What relationship, if any, in that timeframe did loss  
9 mitigation have with the Assumptions Department?

10 MR. DeLUCA: Object to that. Can you be  
11 more specific? What do you mean by relationship?  
12 It's vague and ambiguous.

13 BY MR. BROWN:

14 Q. Did they interact with each other?

15 A. Your question again, please.

16 Q. Did the Loss Mitigation Group and the Assumptions  
17 Department interact with each other as a part of their  
18 normal course of business from time to time in 2009  
19 and 2010?

20 A. In a general term you want me to answer that?

21 Q. Yes.

22 A. I can't answer that question.

23 Q. Can you think of any specific instances in which they  
24 interacted with each other, types of instances?

25 A. No.

1 Q. Would one be what you talked about earlier where you  
2 would ask them to send a borrower an assumption  
3 package if the borrower wanted it or you thought that  
4 was an appropriate alternative for the borrower to  
5 consider?

6 A. Yes.

7 Q. Can you think of any other kinds of examples where you  
8 would interact with the Assumptions Department?

9 A. No.

10 Q. In your work with the Loss Mitigation Department as a  
11 part of your business did you interact with GMAC's  
12 Legal Department?

13 A. No.

14 Q. In your work for the Loss Mitigation Department at  
15 GMAC did you from time to time interact with the  
16 people handling foreclosures for GMAC?

17 A. Yes.

18 Q. And were your interactions with people at GMAC or with  
19 Orlans, the outside attorneys, or both?

20 A. Orlans.

21 Q. Is there -- back in 2009 were there a group of people  
22 at GMAC who handled, as a matter of their occupation,  
23 calls coming in from customers at 800 numbers that  
24 were given out as customer service numbers?

25 A. As a Call Center?

1 Q. Yes.

2 A. We have a Call Center.

3 Q. When you say we do you mean --

4 A. GMAC has a Call Center.

5 Q. And would you interact with the Call Center from time  
6 to time?

7 A. No.

8 Q. Would the Call Center, to your recollection, ever  
9 refer matters to loss mitigation because of whatever  
10 the nature of the call was they thought loss  
11 mitigation was the appropriate area to which to direct  
12 the person?

13 MR. DeLUCA: I'm going to object to lack of  
14 foundation. She's already testified she didn't  
15 interact with those departments.

16 MR. BROWN: Well, I'm asking -- she may not  
17 have considered any interaction. So I am asking her  
18 specific. You can go ahead and answer.

19 A. The question again, please?

20 MR. BROWN: Would you read it, please.

21 (The requested portion of the record was  
22 read by the reporter at 10:28 a.m..

23 "Question: Would the Call Center, to your  
24 recollection, ever refer matters to loss  
25 mitigation because of whatever the nature



1 of the call was they thought loss  
2 mitigation was the appropriate area to  
3 which to direct the person?")

4 A. I can't answer that question.

5 BY MR. BROWN:

6 Q. And you can't answer it because you don't know?

7 A. Correct.

8 Q. Any other reason?

9 A. That's the only reason.

10 MR. BROWN: I am going to mark as Scully 2 a  
11 set of documents. I'll describe them and then I'll  
12 give them to the reporter to actually mark. These  
13 were all Freddie Mac bulletins. I am going to refer  
14 to them by their numbers because each one of them has  
15 a number.

16 The first is number 2008-1, eight pages;  
17 the second is 2009-23, ten pages; the third is  
18 2009-24, seven pages; next is 2009-26, six pages; next  
19 is 2010-1, six pages, followed by Attachment A to  
20 Bulletin 2010-1, eight pages. Those will all be  
21 Scully 2.

22 MARKED BY THE REPORTER:

23 DEPOSITION EXHIBIT 2

24 10:31 a.m.

25 MR. BROWN: If you want to take about a five

1 minute break if you want look through these real  
2 quick. I don't know if you've seen them before this.

3 MR. DeLUCA: No. Is there another set  
4 you're going to --

5 MR. BROWN: Just one set. I have mine.  
6 It's got my notes on it.

7 MR. DeLUCA: All right. I am going to make  
8 a copy for everybody.

9 (Off the record at 10:32 a.m.)

10 (Back on the record at 10:37 a.m.)

11 BY MR. BROWN:

12 Q. Ms. Scully, have you had a chance to look through  
13 Exhibit 2 at all?

14 A. No.

15 Q. Again, I'm not going to immediately ask any questions  
16 about the details of these, but have you seen these or  
17 similar Freddie Mac bulletins before today?

18 A. No.

19 Q. Do you have any understanding as to what they are?

20 A. No.

21 Q. The initial loss mitigation plan that you attempted to  
22 complete with Mr. Wiener that was around October 8th  
23 and thereafter ultimately didn't happen, correct?

24 A. Correct.

25 Q. And then there was a new proposal that was being

1 considered for which you asked for some documentation  
2 from both Mr. Wiener and one of his sisters, correct?

3 A. Correct.

4 Q. And that plan was sort of formulated to pull together  
5 in November of 2009, correct?

6 A. Correct.

7 Q. And in pulling that plan together and trying to see if  
8 you could come up with something that would work for  
9 loss mitigation for the Roland Wiener estate with  
10 Gerard Wiener and his sisters, did you directly  
11 consult ever with anyone at Freddie Mac?

12 A. No.

13 Q. To your knowledge did anyone in loss mitigation  
14 directly consult with Freddie Mac?

15 A. No.

16 Q. As a matter of normal operating practices for loss  
17 mitigation would it have consulted with an owner of a  
18 loan with regard to a loss mitigation plan under any  
19 circumstances?

20 A. I have no -- I can't answer that question. I don't  
21 know.

22 Q. Do you have --

23 A. No.

24 Q. My question was meant to be broad. With respect to  
25 any loss mitigation activity you did?

1 A. I'm sorry?

2 Q. Well, I wanted to make sure you understood my  
3 question. So let me ask it slightly differently.  
4 With respect to any loss mitigation activity you were  
5 working with respect to a customer did you ever  
6 consult with Freddie Mac as to the appropriateness of  
7 the loss mitigation program you were proposing?

8 A. No.

9 Q. Did you consult with other folks in loss mitigation at  
10 some point about a specific plan you were proposing?

11 MR. DeLUCA: Are we talking about this?

12 MR. BROWN: No, I'm talking about generally.

13 A. No.

14 BY MR. BROWN:

15 Q. Ms. Scully, even though you've never seen any of these  
16 Freddie Mac bulletins before were you aware there were  
17 such things?

18 A. Yes.

19 Q. How did you become aware that there were such things?

20 A. Because I have 30 years of mortgage banking. In my  
21 capacity I know that there's Freddie Mac bulletins and  
22 FHA bulletins.

23 Q. To your knowledge, did anybody within the Loss  
24 Mitigation Department look at or consult or evaluate  
25 or attempt to understand what was in the Freddie Mac

1 bulletins?

2 MR. DeLUCA: Again, this is  
3 post-transaction?

4 MR. BROWN: Generally.

5 A. I'm sorry, can you -- I don't understand your  
6 question.

7 BY MR. BROWN:

8 Q. What I'm asking is to your knowledge, if you don't  
9 know you don't know, did anybody in loss mitigation  
10 when you've been working in loss mitigation ever look  
11 at, evaluate, even read Freddie Mac bulletins?

12 A. I don't know.

13 Q. What you do know is you didn't, correct?

14 A. Correct.

15 Q. And you don't know of anybody who did; they may have  
16 but you don't know that, correct?

17 A. That's correct.

18 Q. Ms. Scully, is it correct that from time to time in  
19 the course of your work with customers for the Loss  
20 Mitigation Department of GMAC customers will be faxing  
21 you documents?

22 A. Yes.

23 Q. And you give them a fax number to send them to,  
24 correct?

25 A. Correct.

1 Q. And is that a fax number unique to the Loss Mitigation  
2 Department or not?

3 A. It's unique to me.

4 Q. It's unique to you?

5 A. Correct.

6 Q. And where is the fax machine located with respect to  
7 where your office is?

8 A. It's in my office.

9 Q. If a customer for whatever reason had a more general  
10 GMAC fax number to send a fax addressed to you but to  
11 a GMAC fax number other than the one in your office,  
12 to your understanding was there any system of  
13 ultimately getting the fax to you?

14 A. I wouldn't come to me. If it was faxed to the --  
15 another fax number it would just go through the system  
16 that way.

17 Q. But was the system setup so ultimately it would be  
18 sent to you internally within GMAC?

19 A. No.

20 Q. Is it okay with you if we call the second effort to do  
21 a loss mitigation plan with Mr. Wiener and his sisters  
22 that started in November of 2009 the second attempt,  
23 just so we can distinguish it from the earlier one?

24 A. Yes.

25 Q. And with respect to the second attempt did you ever

1 have any direct discussions with either of Mr.  
2 Wiener's sisters?

3 A. No.

4 Q. And for that second attempt was there a requirement  
5 that one of the Wieners be occupying the house?

6 A. I don't recall that.

7 Q. Could be, but you don't remember one way or the other?

8 A. Correct.

9 MR. BROWN: I am now going to go through  
10 some of the documents in the document number 0677  
11 group.

12 MR. DeLUCA: Okay.

13 MR. BROWN: But I am not going to put them  
14 all in. I'll put them in a bit piecemeal, and I  
15 apologize for that. But it seems to make sense unless  
16 you made copies. The first group will be 0677 through  
17 0681.

18 MR. DeLUCA: Is that Exhibit 3?

19 MR. BROWN: That will be Exhibit 3.

20 MARKED BY THE REPORTER:

21 DEPOSITION EXHIBIT 3

22 10:48 a.m.

23 BY MR. BROWN:

24 Q. Ms. Scully, let me hand you Exhibit 3.

25 MR. BROWN: Let's go off the record just

1 very briefly.

2 MR. DeLUCA: Okay.

3 (Off the record at 10:48 a.m.)

4 (Back on the record at 10:48 a.m.)

5 BY MR. BROWN:

6 Q. Ms. Scully, you have Exhibit 3 in front of you?

7 A. Yes.

8 Q. Again, because of the copying process when e-mails get  
9 copied they were copied for purposes of production  
10 with the entire chain that had been in the e-mail,  
11 somebody corresponded by sending the chain back and  
12 forth into a reprise, for example. So you will see a  
13 lot of these e-mails kind of repeating themselves as  
14 we go. The ones that I produced -- that we produced,  
15 I apologize. I'll even apologize for GMAC for the  
16 ones they produced, which is the group we're dealing  
17 with right now. You're going to see a lot of  
18 repetition. Hopefully we'll avoid having to repeat  
19 questions about those things.

20 The other fact of this is that sometimes in  
21 these groups because we're trying to, or at least I'm  
22 trying to be a little chronological sometimes we start  
23 at the back of the group instead of the front group  
24 because they're in reverse chronology to some degree.

25 If you look at page 680 towards the middle



1 of the page you'll see there's a e-mail that says "On  
2 Mon, October 5, 2009 at 7:40 p.m., Scully, Patricia."  
3 Do you see where I'm reading?

4 A. Yes.

5 Q. Okay. And if you'll look on a little bit it says, "I  
6 have been in contact with Gerard's sister. I'll take  
7 care of the upcoming sale. I will copy you on it."  
8 And this was an e-mail to Mr. Pookrum, correct?

9 A. Correct.

10 Q. And how were you in contact with Gerard's sister, as  
11 recited in this e-mail?

12 A. I don't recall.

13 Q. Do you recall anything about the contact if it  
14 happened at all?

15 A. I don't recall any of it.

16 Q. Okay. As you sit here today do you recall that the  
17 proposal being discussed for a loss mitigation plan  
18 included having one of Gerard's sisters involved in  
19 the property in some fashion?

20 A. Yes.

21 Q. What do you recall about that?

22 A. Just that, he wanted to move his sister in it.

23 Q. Do you have any reason to believe that what you said  
24 in this e-mail is inaccurate?

25 A. No.

1 Q. If you go to page 0679, which is the page before,  
2 you'll see at the top a e-mail from you to Walter  
3 Pookrum dated October 8th, 2009 at 10:16 a.m.. Do you  
4 see that?

5 A. Yes.

6 Q. And if you look at the body you say, "Walter." And  
7 then it goes on for about a paragraph. If you would  
8 review it, read it and tell me if that was the  
9 proposal you had in mind for the second attempt at  
10 doing a loss mitigation?

11 A. I believe this is the first --

12 Q. Oh, I'm sorry.

13 A. -- attempt.

14 Q. You're right, the first attempt, the October 8th one.  
15 My mistake. In the body of the e-mail, about the  
16 third sentence, you say, "This is a Freddie Mac loan."  
17 How would you have known that?

18 A. By the investor code on the loan.

19 Q. So Freddie Mac had its own investor code number?

20 A. Correct.

21 MR. BROWN: Okay. That's it, that's what I  
22 had for Exhibit 3. We next would have pages 0685  
23 through 0688.

24 MARKED BY THE REPORTER:

25 DEPOSITION EXHIBIT 4

1 10:55 a.m.

2 BY MR. BROWN:

3 Q. If you look at 0686, the second page, you'll see at  
4 the top is that e-mail we just looked at in Exhibit 3,  
5 the October 8th one, correct?

6 A. Correct.

7 Q. And then you'll see on the first page, 0685, an  
8 October 14th e-mail from Mr. Pookrum to you. And it  
9 says, "Ms. Scully, thank you for our telephone  
10 conversation yesterday, October 13th." Do you have  
11 any recollection as to what you discussed on October  
12 13th with Mr. Pookrum?

13 A. No.

14 Q. Do you have any reason to doubt that you had a  
15 telephone conversation with him on October 13th?

16 A. No.

17 Q. You'll see that he also asks the question, "Assuming  
18 the monthly payments will be applied to the loan  
19 balance, the estate is inclined to enter the  
20 forbearance arrangement you propose." And then he  
21 asked for a change in the payment date. And you  
22 respond, if you look at the top of page 685, "Received  
23 payments will be applied to the mortgage balance." Do  
24 you see that?

25 A. Yes.

1 Q. And does that mean it would be applied to principal or  
2 principal and interest, or what was your understanding  
3 what mortgage balance meant as opposed to applying it  
4 to something else?

5 A. If the full payment is received it's applied to  
6 principal then interest.

7 Q. Principal first and then interest?

8 A. Yes.

9 Q. It doesn't appear, at least in this e-mail that you  
10 wrote on the 14th, that you responded to the change in  
11 payment date. Did you have any problem with the  
12 change in payment date?

13 A. I don't recall.

14 Q. If you had a problem with it would it have been your  
15 practice to respond to him in writing?

16 A. Yes.

17 MR. BROWN: Okay. Next exhibit will be 689  
18 through 691.

19 MARKED BY THE REPORTER:

20 DEPOSITION EXHIBIT 5

21 10:59 p.m.

22 BY MR. BROWN:

23 Q. First, if you look at the top of 689 you say, "Hi,  
24 Walter, I was able to adjourn the sale for a week and  
25 have escalated it to Freddie Mac." And feel free to

1 look at the e-mails behind this one if you need it to  
2 help you put it into context. But my question is:  
3 What was it you were escalating to Freddie Mac?

4 MR. DeLUCA: Give her a second to start with  
5 the beginning of the chain. Work your way back and it  
6 tells you.

7 MR. BROWN: Sure.

8 MR. DeLUCA: 691 back is where it started.  
9 Work your way up.

10 A. And the question again, please?

11 BY MR. BROWN:

12 Q. The question is: You say, "I've escalated it to  
13 Freddie Mac" in the top e-mail on this page. And my  
14 question was what is the "it" that you escalated?

15 A. The adjournment of a sale, of the sale again.

16 Q. And how did you escalate it to Freddie Mac?

17 A. I had to go through Orlans' office, the attorney of  
18 record for GMAC on the foreclosure.

19 Q. So you called Orlans' office and asked them if it was  
20 okay to adjourn it?

21 A. They would have to send -- Orlans would have had to  
22 send a request into Freddie Mac.

23 Q. And Freddie Mac would give a thumbs up or a thumbs  
24 down on it?

25 A. To my understanding.

1 Q. Why in this instance did you have to escalate it to  
2 Freddie Mac?

3 A. Because of the delinquency of the loan.

4 Q. Later in that same e-mail you say, "I am going to need  
5 a HAMP PKG completed." And what is a HAMP package?

6 A. Home Affordable Modification Package.

7 Q. And that would consist of the financial documentation  
8 necessary to evaluate whether what was being proposed  
9 was appropriate and whether the proposed borrowers at  
10 this point met the requirements to do a modification?

11 A. A forbearance.

12 Q. A forbearance. This was going to be another six month  
13 forbearance, is that correct?

14 A. I was proposing a forbearance. It would be up to loss  
15 mit to put the plan -- I no longer had, you know, the  
16 delegated authority to put anything in place.

17 Q. And what had changed that you no longer had the  
18 delegated authority to put anything into place?

19 A. Because of the delinquency of the loan.

20 Q. So at some point when the loan became greatly  
21 delinquent, and we'll get to what that means in a  
22 second, you lost your delegated authority and had to  
23 go to the owner of the loan to get authority to do  
24 loss mit rather than have a foreclosure?

25 A. I had to go through our attorney's office.

1 Q. Orlans?

2 A. Correct.

3 Q. But you knew that Orlans was then going to go to  
4 Freddie Mac, correct?

5 A. Correct.

6 Q. So although you were using as the conduit Orlans the  
7 decider as to what to do was Freddie Mac, is that  
8 correct?

9 A. That's my understanding.

10 Q. How did you gain that understanding?

11 A. Just through years of being in the mortgage business.

12 Q. Anything in those years of being in the mortgage  
13 business that in this instance told you at what point  
14 in time of delinquency you had to do that rather than  
15 make the decision on your own?

16 A. No.

17 Q. Had you received any written direction from either  
18 Orlans or Freddie Mac that you no longer had the  
19 authority on this loan to delay foreclosures to try  
20 and work a loss mit plan?

21 A. No.

22 Q. Had you received anything verbally either from Orlans  
23 or Freddie Mac that you no longer had the authority to  
24 delay foreclosures to work a loss mitigation plan?

25 A. No.

1 Q. You say that you need the hand package completed so I  
2 can submit "it" for loss mitigation options. The "it"  
3 being the completed package, correct?

4 A. Completed package.

5 Q. And when you refer to "for loss mitigation options"  
6 what are you talking about?

7 A. The forbearance.

8 Q. And to whom would you submit it?

9 A. To GMAC loss mit.

10 Q. And who at GMAC loss mit would you submit it?

11 A. It went to a core platform.

12 Q. What's a core platform?

13 A. That would handle this investor.

14 Q. Does it end up being a person ultimately who acting as  
15 the core platform does something?

16 A. Several people analyze the packet.

17 Q. And then make a decision, is that correct?

18 A. I'm not sure how the decisions were made. They use a  
19 calculator or whatever was used. I'm not sure.

20 Q. Was it your attempt in submitting the HAMP  
21 documentation in this instance that, from what you  
22 knew about the Wiener family that you would be  
23 submitting a plan that would be accepted by loss mit?

24 MR. DeLUCA: Do you understand the question?

25 THE WITNESS: No.



1 BY MR. BROWN:

2 Q. Well, was it your desire to see a loss mit plan come  
3 to fruition with respect to the Wiener loan?

4 A. It's always my desire to see a loss mit plan come into  
5 play on any loan that I work on.

6 Q. Would you submit a loss mit plan that you had low  
7 expectation would ever be approved?

8 A. If a borrower submits the packet I have to submit it.  
9 I can't -- I don't make that decision. Any package  
10 that comes in, crosses my desk gets submitted.

11 Q. Do you ever give the borrower comments or advice as to  
12 what elements of a package need to be in place so that  
13 its chance of success is higher rather than lower?

14 MR. DeLUCA: Are you talking about in  
15 generalities?

16 MR. BROWN: Yeah.

17 A. I tell a borrower -- everything that needs to be  
18 adhered to is right on the package; all the documents,  
19 what needs to be completed, what is needed for me to  
20 submit.

21 BY MR. BROWN:

22 Q. With respect to the substance of what's in the package  
23 as opposed to just physically having it completed, do  
24 you ever look at a package and suggest to the borrower  
25 that they make some adjustment in what's being

1 submitted within the bounds of, obviously being honest  
2 about what they're doing, that might improve the  
3 chances of it being approved?

4 A. It's not to have the chances of it being approved.  
5 It's what I need to submit so that it's looked at. We  
6 need the proof of income, we need, you know -- there's  
7 things that need -- we need several items that need to  
8 be provided.

9 Q. In this instance in the HAMP package that was being,  
10 and plan that was being suggested, was there an owner  
11 occupancy requirement?

12 A. Yes, I believe so. Well, let me take that back. We  
13 weren't trying to do a loan modification on this. We  
14 were trying to just put it on a forbearance.

15 Q. But even to do a forbearance was there an owner  
16 occupancy requirement?

17 A. No.

18 Q. Did you ever tell Gerard Wiener that somebody from the  
19 family had to occupy the home to get the forbearance?

20 A. I don't recall that I did.

21 Q. Do you recall that you didn't?

22 A. I don't recall that either. I don't recall that,  
23 having that conversation.

24 MR. BROWN: Now going to the next page we're  
25 going to do, the next exhibit is 701 to -- I'm sorry,

1 700 to 702.

2 MARKED BY THE REPORTER:

3 DEPOSITION EXHIBIT 6

4 11:12 a.m.

5 BY MR. BROWN:

6 Q. Do you have Exhibit 6 in front of you, Ms. Scully?

7 A. Yes.

8 Q. If you can direct your attention to page 702 you'll  
9 see a November 19th entry that says on November 19,  
10 2009 at 1:49 p.m., Scully, Patricia wrote. And then  
11 there's presumably the e-mail you wrote. Do you see  
12 that?

13 A. Yes.

14 Q. Is that an e-mail you wrote?

15 A. Yes.

16 Q. You say, "Here's the bottom line. I can get the  
17 payment reduced for six months to \$755.07 to give the  
18 estate time to figure out what they want to do." Do  
19 you see that?

20 A. Yes.

21 Q. How did you come up with the 755.07?

22 A. Because it was a new payment, a forbearance that was  
23 told to me by GMAC management that we could no longer  
24 do the 50 percent payment but we could do 70 percent  
25 payment.

1 Q. And who at GMAC management told you that?

2 A. My direct supervisor at the time, Gary Neauman.

3 Q. When you say the current IR, that's interest rate?

4 A. Yes.

5 Q. You say, "I need the paperwork I sent over Tuesday  
6 back to me by tomorrow." Do you see that?

7 A. Yes.

8 Q. That's the HAMP package and related documents?

9 A. Yes.

10 Q. You were going to be off, but you would cause it to be  
11 sent to loss mit in Waterloo, correct?

12 A. Correct.

13 Q. And am I correct that loss mit in Waterloo is the  
14 appropriate loss mit group for this loan?

15 A. Yes.

16 Q. You say, "I have to have that paperwork otherwise  
17 under the Freddie Mac guidelines I cannot adjourn this  
18 sale any longer." Do you see that?

19 A. Yes.

20 Q. What guidelines are you referring to?

21 A. The Freddie Mac guidelines.

22 Q. Had you seen them?

23 A. No.

24 Q. Well, how did you know the Freddie Mac guidelines said  
25 you couldn't adjourn the sale any longer?

1 A. Because of the delinquency, the length of the  
2 delinquency I knew.

3 Q. How did you learn that because of the length of the  
4 delinquency that the Freddie Mac guidelines wouldn't  
5 allow further adjournment of the sale?

6 A. It was over six months delinquent at the time, at  
7 least.

8 Q. That's the amount of the delinquency, but it doesn't  
9 tell how you knew that if it was over six months it  
10 wouldn't be -- the foreclosure wouldn't be adjourned?  
11 How did you know that?

12 A. From my previous experience in banking I knew I had  
13 to -- that it was over the limit of allowable  
14 delinquency with nothing in place and no paperwork.

15 Q. At that point in time, if you can recall on November  
16 19th, 2009, did you have an expectation that you would  
17 get completed paperwork from Gerard Wiener's sister in  
18 the next day or two after that?

19 A. I asked for it.

20 Q. Did you have any expectation that you would get it  
21 that fast from her?

22 A. I can't answer that question. I asked for the  
23 paperwork. If they sent it they sent it.

24 Q. So you had no expectation one way or the other?

25 A. I asked for the paperwork to be sent.

1 Q. Are you telling me that you don't think what your  
2 expectations were were relevant or you didn't have any  
3 or you don't remember whether you had any?

4 A. I asked for the paperwork to be sent so I could submit  
5 it. So I don't recall what my expectations were.

6 Q. If you look at page 701 do you see the e-mail to you  
7 from Mr. Wiener dated November 19th, 2009 at 5:57  
8 p.m.?

9 A. Yes.

10 Q. And you see he says, "I filled out the forms as best I  
11 could and will go to Kinko's tomorrow and fax them to  
12 you." He then goes on that his sister wants to live  
13 at the house and he and his stepmother would subsidize  
14 her until she could get a proper job in Michigan, and  
15 he's willing to talk to anyone to walk them through  
16 and gives exceptions as to when he can't do that. How  
17 did you, if you did, respond to that e-mail?

18 A. How did I respond?

19 Q. Yes.

20 A. It looks like I gave him my fax number, 866.690.5244.

21 Q. Now look at page 703 which will be the next exhibit.

22 MARKED BY THE REPORTER:

23 DEPOSITION EXHIBIT 7

24 11:20 a.m.

25 BY MR. BROWN:

1 Q. Do you have 703 in front of you?

2 A. Yes.

3 Q. Can you look in the middle of the page. There's a  
4 listing of HAMP requirements. Do you see that?

5 A. Yes.

6 Q. And to your knowledge as you look at it now is that,  
7 in fact, what you were looking for to be sent to you?

8 A. Yes.

9 Q. Were all those documents, other than the IRS form,  
10 documents that to your knowledge were Freddie  
11 Mac-created documents?

12 MR. DeLUCA: If you know.

13 BY MR. BROWN:

14 Q. If you know.

15 A. I'm sorry, the question?

16 Q. The question is: Setting aside the IRS tax form, were  
17 the other documents, the financial hardship affidavit,  
18 for example, financial analyst -- financial analysis  
19 form documents that were created and provided to GMAC  
20 by Freddie Mac?

21 A. No.

22 Q. What's your understanding as to who created them?

23 A. The Treasury Department.

24 Q. Okay. This was an e-mail you sent to Walter Pookrum,  
25 correct?

1 A. Correct.

2 MR. BROWN: Next page, 710. This will be  
3 710 through 719.

4 MARKED BY THE REPORTER:

5 DEPOSITION EXHIBIT 8

6 11:23 p.m.

7 BY MR. BROWN:

8 Q. Have you seen this grouping at page 712 that Mr.  
9 Pookrum's also asking for some information from GMAC;  
10 is it correct that you directed him where to contact  
11 GMAC to get the paperwork?

12 A. Yes.

13 Q. Was it your understanding that was in connection with  
14 his estate work for Roland Wiener's estate, the reason  
15 he wanted the paperwork?

16 MR. DeLUCA: If you know.

17 A. I don't know.

18 MR. BROWN: Next we're doing 720 through  
19 724.

20 MARKED BY THE REPORTER:

21 DEPOSITION EXHIBIT 9

22 11:26 a.m.

23 BY MR. BROWN:

24 Q. You have Exhibit 9 before you, correct?

25 A. Yes.



1 Q. Let me ask you a preliminary question. Is it correct  
2 that within a day or so when you wrote Gerard Wiener  
3 and said you had to have the package in quickly, that  
4 he sent you a package that had information as to  
5 himself?

6 A. I'd have to see the date that that -- his information  
7 came through.

8 Q. Now directing your attention to Exhibit 9 on page 720.  
9 Do you see an e-mail from you to Mr. Pookrum?

10 A. Yes.

11 Q. Dated November 23rd, 2009?

12 A. Yes.

13 Q. "Please be advised that the FC sale has been adjourned  
14 to 12/29/2009. Do you see that?

15 A. Yes.

16 Q. FC is foreclosure sale, right?

17 A. Correct.

18 Q. And how did you -- I assume you then had authority  
19 from -- well, let me ask you this. Did you have  
20 authority through Orlans from Freddie Mac to adjourn  
21 to the 29th?

22 A. Authority was given to adjourn the sale. By what  
23 means I can't.

24 Q. How did you learn that the authority had been given?

25 A. It was communicated to me through Orlans.

1 Q. Do you recall that or you're just assuming that?

2 A. I'm assuming it.

3 Q. But you obviously got the information, correct,  
4 because you're sending it out in an e-mail?

5 A. The information --

6 Q. That it had been adjourned?

7 A. Yes.

8 Q. You tell Gerard in the next sentence that you received  
9 the fax he sent over and state it appears that one of  
10 his sisters is going to take over the property,  
11 correct?

12 A. Correct.

13 Q. And then you say, "I am going do have her complete the  
14 assumption package that was sent out to you at your  
15 California mailing address back in September. The  
16 loan will have to be brought current for the  
17 assumption to go through." Correct?

18 A. Correct.

19 Q. What do you mean when you say that the loan will have  
20 to be brought current for the assumption to be brought  
21 through? Are we now no longer talking forbearance but  
22 an assumption?

23 A. That's correct.

24 Q. And when did that change?

25 A. It must -- in conversations with somebody. That's

1 what they were -- they were going to do. He wanted  
2 his sister to take over the property, it's my  
3 understanding. And the loan was going to be have to  
4 be brought current, all back due payments in order to  
5 do the assumption.

6 Q. If he was going to do an assumption shouldn't you have  
7 passed the -- under the GMAC practices shouldn't you  
8 have passed the matter over to the Assumption  
9 Department?

10 A. The paperwork would have went to the Assumption  
11 Department. That's exactly where it would have to go.

12 Q. Did you have any discussion that you recall verbally  
13 telephonically, or otherwise, with Mr. Wiener that it  
14 was no longer going to be a forbearance but it was  
15 going to be an assumption?

16 A. No, I don't.

17 Q. You don't recall one way or the other?

18 A. Exactly, I don't recall.

19 MR. DeLUCA: While we're at a good point I  
20 need to use the restroom.

21 MR. BROWN: Let's stop now.

22 (Off the record at 11:30 a.m.)

23 (Back on the record at 11:35 a.m.)

24 BY MR. BROWN:

25 Q. Let me ask you this. Ms. Scully, are you aware that

1 ultimately Freddie Mac purchased the Wiener home at a  
2 foreclosure sale on January 5th, 2010?

3 A. Yes.

4 Q. And you're aware that subsequent to that Freddie Mac  
5 sold it to two individuals?

6 A. No.

7 Q. Is it then correct that you never met or talked to  
8 those two individuals in connection with anything to  
9 do with the Wiener house?

10 A. Correct.

11 Q. Or this lawsuit?

12 A. Correct.

13 Q. Again looking at page 720 of Exhibit 9 you'll see that  
14 you say to Walter in the second paragraph, presumably  
15 in reference to the requests to get some documents,  
16 that he's to call the Customer Service Department and  
17 request the mortgage docs he needs. You don't  
18 have access to them on the system. "Trust me, I  
19 looked." You sent that, correct?

20 A. Yes.

21 Q. Why don't you have access to mortgage documents on the  
22 system in your job?

23 A. At that time I didn't. I don't know. It's just -- I  
24 didn't have the code to get into it.

25 Q. What would you do if there was -- if you felt you had,

1 and maybe you never did, but if you felt you had a  
2 need to see a mortgage document like the note, how  
3 would you get a copy of it to see it if you didn't  
4 have access to it directly?

5 A. I would have had to request somebody to get it for me,  
6 give me the code or whatever.

7 Q. Do you ever recall doing that?

8 A. Not really.

9 Q. Do you recall ultimately getting a set of  
10 documentation from Mr. Wiener's sister with respect to  
11 the second attempt?

12 A. No.

13 Q. Are you familiar with the fax number 1-866-690-5244?

14 A. That's my fax.

15 MR. BROWN: I don't -- let's go off the  
16 record for a second.

17 (Off the record at 11:40 a.m.)

18 (Back on the record at 11:47 a.m.)

19 MR. BROWN: Let's mark this as 10.

20 MARKED BY THE REPORTER:

21 DEPOSITION EXHIBIT 10

22 11:47 a.m.

23 BY MR. BROWN:

24 Q. Ms. Scully, you have Exhibit 10 before you?

25 A. Yes.

1 Q. You'll see that the first page has a fax transmission  
2 report, and it's addressed to you from Charlotte  
3 Wiener. It was sent to the 866.690.5244 number and it  
4 shows a result okay, which I believe means that it  
5 went through. Do you recall receiving this?

6 A. No.

7 Q. This was sent on December 23rd, and I'll represent,  
8 although it doesn't show, it was 2009. Actually if  
9 you look up at the top it says 12/23/2009.

10 A. Yep.

11 Q. December 23rd, 2009 was a Wednesday?

12 MR. DeLUCA: 2009?

13 MR. BROWN: 2009.

14 BY MR. BROWN:

15 Q. Do you recall in 2009 if you were working on December  
16 23rd?

17 A. I don't -- I probably was out of the office already by  
18 that time. It's late in the day, the day before Xmas  
19 Eve.

20 Q. Would you have worked Xmas Eve or not typically?

21 A. No.

22 Q. When would you have been back to the office?

23 A. January.

24 Q. January when, do you recall?

25 A. January 2nd or 3rd.

1 Q. January 1st was a Friday, the 4th was Monday, the 5th  
2 was a Tuesday. So as far as you know you never saw  
3 this document before the foreclosure happened?

4 A. Correct.

5 Q. Would you have any records in your office at this  
6 point that would show you received it?

7 A. Just the transmittal pages, I suppose. Nothing -- no.

8 Q. And at some point have you looked in -- well, let me  
9 ask a more general question. What did you do with  
10 your Wiener files after the foreclosure happened that  
11 you had hard copy stuff?

12 A. I kept them for two or three months and shredded  
13 everything. I have a shredder and I shred everything.  
14 I can't keep that stuff. You know, I lock it in my  
15 desk. I mean a cabinet. And then I would go through  
16 periodically and shred stuff. After it's gone to sale  
17 there's no reason for me to keep people's physical  
18 stuff in my office.

19 Q. Back then did you have any system where you made  
20 electronic copies of anything before you shredded it?

21 MR. DeLUCA: You're talking about the  
22 witness personally?

23 MR. BROWN: Or in her office. Not the whole  
24 company.

25 MR. DeLUCA: Can you clarify what you're

1 asking?

2 A. Yeah.

3 BY MR. BROWN:

4 Q. Sure. Did you have any system by which as a matter of  
5 routine before you shredded any of the Wiener  
6 documents you would have made electronic copies of  
7 them for storage electronically?

8 A. No, because -- to the best of my knowledge everything  
9 that I had in the file on him had already been  
10 submitted to GMAC and had been already imaged.

11 Q. So you don't know what happened to -- if we make the  
12 assumption that you received this fax you don't know  
13 what happened to it, correct?

14 A. Correct.

15 Q. Now, do you know you didn't -- do you know you didn't  
16 see it or you don't recall seeing it?

17 A. I don't recall.

18 Q. So you may have, you may not have, is that --

19 A. I don't recall.

20 Q. As you sit here today do you recall not ever seeing  
21 it? Like I can sit here today and recall I never  
22 danced with the Queen of England.

23 MR. DeLUCA: I'm going to object. The  
24 question has been asked and answered.

25 MR. BROWN: Well, I'm trying to understand



1 what don't recall means in this instance, Counsel.

2 MR. DeLUCA: I think she's made it pretty  
3 clear.

4 A. Yeah, I don't recall receiving this.

5 BY MR. BROWN:

6 Q. Okay. Having seen Exhibit 10 today do you have any  
7 doubts about whether you did receive it or not?

8 A. No.

9 Q. So you believe you probably did receive it even though  
10 you personally didn't see the document, correct?

11 A. Correct.

12 Q. And as a matter of your business practice and routine  
13 back in late December of 2009, if a fax came in on  
14 your machine and you weren't there what happened to  
15 it?

16 A. It stayed there.

17 Q. You didn't have anybody that assisted you with  
18 period --

19 A. I'm in an office that --

20 MR. DeLUCA: Let him finish.

21 BY MR. BROWN:

22 Q. You didn't have anybody to periodically look and see  
23 if you got faxes and try to do something with them?

24 A. No.

25 Q. As you look at this document you received, Exhibit 10,

1 or maybe received, is that an assumption package or is  
2 that a forbearance package or a HAMP package?

3 A. It's not an assumption package because there's other  
4 things that are missing. I know part of the  
5 assumption is they have to provide who the  
6 insured's has, homeowner's insurances. So this is a  
7 very incomplete package.

8 Q. As an assumption package, correct?

9 A. And as a forbearance. I have no proof of income for  
10 anybody. Nobody's showing me who's got the capacity  
11 or the willingness to make these payments.

12 Q. Did you see this document as one of the documents you  
13 looked at in preparation for your deposition?

14 A. Last week I got it.

15 Q. Under your normal business practices back in late  
16 December of 2009 if you had received and looked at  
17 Exhibit 10 what in the normal course of business would  
18 you have typically done?

19 A. I would have faxed it to GMAC loss mit so it would get  
20 imaged.

21 Q. Would you have looked at it and tried to evaluate it  
22 in any respect or tell them they needed to send more  
23 or anything?

24 A. Yes.

25 Q. And what would you have done, if anything, about the

1 impending foreclosure bid?

2 A. I can't answer that question. I don't know.

3 Q. As you look at Exhibit 10 do you agree that however  
4 complete or incomplete it may be it's an attempt to  
5 send a HAMP package, not an assumption package?

6 A. A HAMP package on an assumption package?

7 Q. No. And not an assumption package. If you look at  
8 the documents in that is that --

9 A. This is -- yeah, the financial analysis that's  
10 completed here is the same as for the HAMP.

11 Q. Where there would be, perhaps, that documentation but  
12 some different documentation for an assumption  
13 package?

14 A. Yeah, other required documentation would be needed for  
15 an assumption, especially with this being an estate.

16 MR. BROWN: Okay. Our next exhibit which  
17 is 11, page 725.

18 MARKED BY THE REPORTER:

19 DEPOSITION EXHIBIT 11

20 12:00 p.m.

21 MR. DeLUCA: Is it just one page?

22 MR. BROWN: Yes.

23 BY MR. BROWN:

24 Q. Do you see Mr. Wiener's e-mail to you at the top of  
25 the page?

1 A. Yes.

2 Q. Do you know if you ever responded to that?

3 A. Well, yes, right below it.

4 Q. No. Below it is earlier dated.

5 A. Is it? Okay.

6 Q. 10:00 a.m. as opposed to 7:29 p.m..

7 A. Right. Right.

8 Q. I'm sorry, did you answer my question?

9 A. Oh, I'm sorry. Did I respond to this e-mail?

10 Q. Yes.

11 A. It doesn't appear so.

12 Q. And you don't recall responding to it?

13 A. No.

14 MR. BROWN: I am going to mark as No. 12  
15 0739.

16 MARKED BY THE REPORTER:

17 DEPOSITION EXHIBIT 12

18 12:04 p.m.

19 BY MR. BROWN:

20 Q. Do you have Exhibit 12 before you, Ms. Scully?

21 A. Yes.

22 MR. DeLUCA: Okay. I don't have that in my  
23 package. Can we just take a two minute break and I'll  
24 make copies of this?

25 MR. BROWN: Yes. It's just that one page.

1 Do you want to do it later or do you want to do it  
2 now? Either way.

3 MR. DeLUCA: That's fine. We can go ahead.

4 BY MR. BROWN:

5 Q. Okay. Ms. Scully, have you ever seen Exhibit 12  
6 before?

7 A. No.

8 Q. Do you know who Leigh Frame is?

9 A. No.

10 Q. Have you ever -- do you know what the Servicing Risk  
11 Team is?

12 A. No.

13 Q. Have you ever heard of it before today?

14 A. No.

15 Q. Do you have any understanding as to what GMAC does  
16 with respect to loans if it gets sued about them in  
17 terms of dealing with the loan while they're being  
18 sued? Does it take it out of whatever unit's dealing  
19 with it has and do something else?

20 A. No, I don't know what they do.

21 MR. BROWN: Okay. Off the record.

22 (Off the record at 12:06 p.m.)

23 (Back on the record at 12:06 p.m.)

24 MR. BROWN: Let's mark the next, 737.

25 MARKED BY THE REPORTER:

DEPOSITION EXHIBIT 13

12:07 p.m.

BY MR. BROWN:

Q. Ms. Scully, do you recall receiving this e-mail from  
Mr. Wiener?

A. No.

Q. Have you ever seen it before today?

A. No.

Q. Did you see it in preparation for the deposition?

A. No.

Q. When you're away from your office do you -- back in  
December of 2009 did you have an ability to look at  
your e-mails if you cared to while you were away?

A. I don't recall at that time if I had the capability.

Q. When you first gained that capability by what  
methodology did you have it? Did you have a  
Blackberry or did you have something else?

A. I don't know. Whatever they did with our computers  
and gave me the ability to VP in, get access to our  
servicing system away from the main, you know.

Q. You just don't recall when that started happening?

A. No.

Q. When it did start happening did you use it routinely  
when you were away?

A. Yes.

1 Q. In your normal business practice if you had received  
2 and seen this e-mail, Exhibit 13, would you have  
3 contacted Mr. Wiener?

4 A. Looking at this I had no need to contact him.

5 Q. Okay.

6 A. He's not asking me -- you know, asking me about  
7 anything. He's just telling me that his sister's  
8 going to be faxing me the documents. I don't need to  
9 respond to this.

10 MR. BROWN: Let's mark as the next in  
11 order. This will be 738.

12 MARKED BY THE REPORTER:

13 DEPOSITION EXHIBIT 14

14 12:09 p.m.

15 BY MR. BROWN:

16 Q. Ms. Scully, do you have Exhibit 14 before you?

17 A. Yes.

18 Q. Do you recall receiving this e-mail from Mr. Pookrum  
19 on or about December 28th?

20 A. No.

21 Q. Is it correct that, as you testified already with  
22 respect to the Exhibit 13, you don't know whether at  
23 the time you had the capability of getting e-mails  
24 away from your office or not?

25 A. Correct.

1 Q. Under your normal business practice if you had looked  
2 at this e-mail what, if anything, would you have done?

3 MR. DeLUCA: Object to the form of the  
4 question as a hypothetical and it calls for  
5 speculation on the part of the witness.

6 MR. BROWN: I'm just asking her what her  
7 business practice was.

8 A. What my business practice would be if I was to respond  
9 to this?

10 BY MR. BROWN:

11 Q. If you received it. I mean your business practice  
12 might have been not to respond to it. I don't know.

13 A. I can't answer that. I can't speculate on how I would  
14 have responded.

15 Q. Okay. At any time did anyone within GMAC tell you to  
16 stop -- tell you at any time before the foreclosure  
17 sale tell you to stop working or trying to accomplish  
18 a loss mitigation plan with respect to the Wiener  
19 loan?

20 A. No.

21 Q. At any time did anybody outside GMAC, such as Orlans  
22 or whoever, tell you to stop working in trying to  
23 accomplish it, workout of some sort with the Wiener  
24 loan prior to the foreclosure?

25 A. No.



1 Q. Give me a second. What's your recollection as to how  
2 much in late November and December of 2009 you talked  
3 with Gerard Wiener telephonically?

4 A. I have no recollection.

5 Q. One way or the other?

6 A. Exactly.

7 Q. So is it correct then that you don't recall now  
8 whether you talked to him, or if you did how much you  
9 talked to him, correct?

10 A. I would have to say I don't remember ever talking to  
11 him later on in November and December.

12 Q. And by later on you mean when?

13 A. The months of November and December. I don't recall  
14 having any phone conversations with him.

15 Q. Do you recall getting any phone messages from him in  
16 November or December?

17 A. No, I don't.

18 Q. With respect to the second attempt at a loss  
19 mitigation program that you discussed with -- and by  
20 discuss I mean both verbally and through e-mail with  
21 Mr. Pookrum and Gerard Wiener, do you ever recall  
22 telling them exactly how much money to send and where  
23 to send it to under that program?

24 A. No.

25 Q. That was waiting to get a program in place?

1 A. The second forbearance --

2 Q. Yes.

3 A. We never -- I don't think I ever got a response that  
4 they were going to accept that. The 70 percent one,  
5 the second one --

6 Q. Yeah.

7 A. -- that was put in place? I don't recall ever --  
8 they'd have to sign the agreement to get it back so I  
9 could get it setup on the system. They never --  
10 nobody ever signed any agreements and got it back to  
11 me so I could submit it to get it setup.

12 Q. Did you ever send them a second agreement?

13 A. I don't recall if I did. I don't know if it was ever  
14 really discussed, because at that point in time Gerard  
15 talked about on his hardship, on the packet about his  
16 sister taking over the property and the assumption was  
17 back on the table.

18 Q. I think I have an answer to this. I may have asked it  
19 already in which case I apologize. Did you ever have  
20 a face-to-face meeting with Gerard Wiener?

21 A. No.

22 Q. Is it also correct that you never told Mr. Wiener that  
23 he and his sister didn't qualify for the forbearance  
24 package you were discussing with him, the second deal?

25 A. Did I tell them they didn't qualify?

1 Q. Yes.

2 A. I don't make those decisions.

3 Q. No, but you might have communicated them. Did you  
4 ever tell them they didn't qualify?

5 A. No. No.

6 Q. Do you know if anybody else from GMAC ever told them  
7 they didn't qualify?

8 A. No.

9 Q. You don't know one way or the other?

10 A. Correct.

11 Q. Do you recall when you learned that the property had  
12 been sold by foreclosure?

13 A. I believe it's when we went back to work after the  
14 Christmas break. It must have showed up on a report  
15 or something. I can't remember.

16 Q. But as best you can recall it was sometime close to  
17 the foreclosure itself?

18 A. It was after, you know, we went back to -- in January,  
19 when I went back to work in January.

20 Q. Do you know if Mr. Clinkscales had any discussions  
21 with Mr. Pookrum after the foreclosure?

22 A. No, I don't.

23 Q. Have you ever met with or talked with a woman named  
24 Linda Mallory at Freddie Mac?

25 A. No.

1 Q. Do you know if GMAC, through you or anyone else, ever  
2 refused to permit Mr. Wiener to payoff the loan if  
3 that's what he chose to do?

4 A. No.

5 Q. You never told him he couldn't pay it off, correct?

6 A. I'd never tell anybody they couldn't payoff their  
7 loan. Show me the money.

8 MR. BROWN: Off the record.

9 (Off the record at 12:21 p.m.)

10 (Back on the record at 12:22 p.m.)

11 MR. BROWN: I am going to enter the next  
12 documents that were produced by GMAC, I believe, and  
13 it's 0519 and 520.

14 MARKED BY THE REPORTER:

15 DEPOSITION EXHIBIT 15

16 12:22 p.m.

17 BY MR. BROWN:

18 Q. Are you familiar at all with the kind of document that  
19 is Exhibit 15?

20 A. No.

21 Q. Do you ever have anything to do with claims that are  
22 being paid by an owner of Freddie Mac back to the GMAC  
23 servicing?

24 A. No.

25 MARKED BY THE REPORTER:

DEPOSITION EXHIBIT 16

12:25 p.m.

BY MR. BROWN:

Q. Exhibit 16 is a collection of documents that were in connection with a presentation called Making Home Affordable, Working Together to Help Homeowners, September 2012. Let me state my question so while she's looking at it she can have it in mind. Simply, is this a program you participated in as a presenter?

A. No.

MR. DeLUCA: The document itself doesn't state the author of it. Is there somewhere on the document where it indicates who the author is?

MR. BROWN: I think the author is this group. It's somewhere in the document where it says presents and her name.

THE WITNESS: It says my name?

BY MR. BROWN:

Q. Yes. Something that's marked page 39.

A. Okay. Can I explain this?

Q. Please.

A. This was probably presented by, at that time the National Outreach manager at a HOPE Now event that we work with the Treasury Department. It was probably held in Michigan. So that's why they were giving my

1 information on this, so that the folks on the local  
2 presence, they would be able to contact me. As we  
3 travel through the country the HOPE team gives these  
4 presentations on a slide to all the markets that we go  
5 into. This just happened to be presented at the time  
6 they were in Michigan, wherever we were doing this.

7 Q. So you were identified as the contact for GMAC?

8 A. Correct, in 2012.

9 Q. Had similar such identification been made of you in  
10 other presentations prior to this, do you know?

11 A. Not to my knowledge. I didn't even know about this  
12 one. I'm usually talking to the borrower when this is  
13 going on in another room.

14 MR. BROWN: No further questions.

15 MR. DeLUCA: Are you done?

16 MR. BROWN: Yep.

17 MR. DeLUCA: Do you have any?

18 MR. MILSTONE: I have no questions.

19 MR. DeLUCA: Can we just take a five minute  
20 break.

21 MR. BROWN: For whether you want to ask  
22 something or not?

23 MR. DeLUCA: Yes.

24 MR. BROWN: Yes.

25 (Off the record at 12:30 p.m.)

(Back on the record at 12:42 p.m.)

MR. BROWN: Let's put on the record that Mr. DeLuca's graciously agreed to hang on to the original exhibits from the Scully deposition for use tomorrow at the person most knowledgeable deposition. We will then give them to the court reporter who comes from that, which may or may not be today's court reporter.

MR. DeLUCA: I will hold onto them for tomorrow. Thank you. All set.

(The deposition was concluded at 12:43 p.m. Signature of the witness was not requested by counsel for the respective parties hereto.)